

# **Lay Person's Guide**

**to**

# **Changing**

## **School District**

# **Boundaries**



Carolyn Tolas  
President, State Board  
of Education

Washington State Board of Education  
and  
Office of Superintendent of Public Instruction

VERSION: November 10, 2005



Dr. Terry Bergeson  
State Superintendent of  
Public Instruction

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## School District Organization

### School District Boundaries: History

The state has effectively reached a plateau in its nearly 100—year effort to downsize the number of school districts from approximately 2,710 districts in 1910 to the current 296 school districts (reached in 1991). The legislative effort to consolidate districts was “pushed” by an apparent recognition that 2,710 school districts made it virtually impossible for *“The Legislature [to] provide a general and uniform system of public schools.”* [Article IX, Section 2.]

In 1947, the Legislature established a regional committee on school district organization in each Educational Service District to manage "local" proposals and disputes relating to school district boundaries.

Since 1991, changes in school district boundaries have centered on transfers of territory between two or more districts. In 1999, based in part on a yearlong study by the State Board of Education, the Legislature adopted major changes to the school district organization statutes [see Appendix A, Chapter 28A.315 RCW, text of laws; see Appendix B, Chapter 180-24 WAC, text of rules]. HB 1477 (Chapter 315, Laws of 1999) included the following changes:

- Significant upgrading/updating of decision-making criteria. [RCW 28A.315.015, 195, 205]
- Citizen petition signature threshold was reduced to 10 percent to propose a transfer of territory. [RCW 28A.315.195(1)(a)]. (Returned to 50 percent + 1 in 2003.)
- Only citizens and school boards can submit a petition. [RCW 28A.315.195(1)(a)(b)]
- Districts affected by a proposed transfer of territory are required to attempt a negotiated agreement. [RCW 28A.315.195(5)(a): Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts;]
- Regional Committees make the final decision rather than the SBE, when the districts cannot reach an agreement AND the district in which the citizen petitioners reside requests the Regional Committee to hear the petition. [RCW 28A.315.095(1)] SBE can hear appeals only on approved transfers. [Changed by SB 5437, Chapter 413, Laws of 2003.]
- Annual training required for Regional Committees, State Board, ESD superintendents, local district boards and district superintendents. [RCW 28A.315.185]

In 2003, the Legislature made three adjustments to the 1999 changes in passing SB 5437: 1) Restored the citizen petition signature requirement to 50 percent + 1 [RCW 28A.315.195(1)(a)]; 2) Allowed any Regional Committee decision to be appealed to the State Board of Education [RCW 28A.315.205(5)(a)(i)]; and 3) Refined the student learning criteria focus from considering the annual school performance reports to considering student educational opportunities measured in certain ways. [RCW 28A.315.205(4)(a)].

**NOTE: This guide does NOT address school attendance boundaries within a school district, which is a local matter.**

## Commonly Asked General Questions About Changing District Boundaries

**Q1: Where can I find the state laws and regulations about changing school district boundaries?**

**ANS:** Chapter 28A.315 RCW (Revised Code of Washington, Appendix A) and Chapter 180-24 WAC (Washington Administrative Code, policies/rules of the State Board of Education, Appendix C).

**Q2: How can school district boundaries be changed?**

**ANS:** (1) By transfer of territory from one district to another district (initiated by citizen or school board petition); [See pages 10 through 25 of this guide for more detailed information]

**[RCW 28A.315.195, 205, 215]**

(2) By consolidation of all or part of two or more districts to create a new district (initiated by citizen petition); [See pages 26 and 27 of this guide for more detailed information]

**[RCW 28A.315.235]**

(3) By dissolution and annexation of all of one or more districts to another district (triggered by the failure of the district to maintain a statutory minimum enrollment level). [See page 28 of this guide for more detailed information]

**[RCW 28A.315.225]**

**NOTE:** Present state laws governing school district boundaries allow for the reduction rather than the expansion in the total number of school districts state-wide. There is no statutory authority or mechanism to allow the creation of a new district through the extraction or partitioning of territory from a single school district.

**Q3: Is the intent of the boundary laws to respond to individual student problems or preferences?**

**ANS:** It is not the intent or purpose of school district organization to attend to individual student problems or preferences. That is handled under state “choice” laws (e.g., interdistrict, intradistrict, and other enrollment options found in Chapter 28A.225 RCW, RCW 28A.185.040, Chapter 28A.340 RCW, RCW 28A.540.110, and RCW 28A.600.300-400). “Choice” can also be other means such as student release policies that are the duty and responsibility of the local school district board of directors. Enrollment choice options are separate from school district boundary issues.

## Transfer of Territory Questions

**Q1: How is a transfer of territory initiated?**

**ANS:** There are two alternate means: (1) At least 50 percent + 1 of the active registered voters residing in the territory proposed for transfer must sign a written petition and present it to the Educational Service District (ESD) superintendent; or (2) a majority of a school district board of directors may present a written petition to the ESD superintendent.

[RCW 28A.315.195(1)]

**Q2: What is the first step in the process to transfer territory from one school district to another?**

**ANS:** The process for transferring territory from one district to another is NOT simple and includes a number of steps. Prior to submitting a petition to the Educational Service District superintendent, the legal description of the territory proposed for transfer must be determined and be accurate. The transfer must involve territory adjacent to either school districts' current boundaries. The legal description must be developed before circulating the petition since names of registered voters that do not reside in the proposed transfer area will be rejected during the verification process. It is advised that you meet with the ESD to compare the proposed transfer area with current maps and legal descriptions of the affected school districts.

**Q3: What information must the petition include?**

**ANS:** The name and number of each district affected by the proposed transfer of territory, description of the boundaries of the territory proposed to be transferred, the number of school-age children residing in the territory proposed to be transferred, if any, and the reasons for desiring the change in school district boundaries.

[RCW 28A.315.195(2)]

**Q4: What happens after a petition is filed with the ESD superintendent?**

**ANS:** Upon receipt of a petition and after the County Auditor has validated the signatures, the ESD superintendent must immediately notify the affected school district boards in writing that they must enter into negotiations. The affected districts have 90 days to negotiate an agreement. The negotiating districts may request an additional 30 days to reach an agreement. At any time during the 90-day period, any district involved in the negotiations may notify the ESD superintendent in writing that the districts are not or will not be able to reach a negotiated agreement.

[RCW 28A.315.195(5)]

**Q5: What criteria or factors should the negotiating school districts consider?**

**ANS:** They should be guided by RCW 28A.315.015(2), RCW 28A.315.205(4), and WAC 180-24-00701(2) and (3):

RCW 28A.315.015 (see Appendix A, page 14)

RCW 28A.315.205 (see Appendix A, pages 18-19)

WAC 180-24-00701 (see Appendix C, page 27)

**(2) Under RCW 28A.315.045(1) the boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.**

**(3) Under RCW 29A.315.205(4), "geographic accessibility" includes, but is not limited to, consideration of the following factors:**

Transfer of Territory Questions  
continued

(a) Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel.

(b) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel.

(c) The extent and nature of roads, highways, ferries, and traffic patterns.

(d) Climatic conditions.

(e) Time required to travel to and from school.

**Q6: What happens if the negotiating districts COME TO AN AGREEMENT to adjust the boundaries?**

**ANS:** The districts must notify the ESD superintendent in writing who shall then implement the agreement.

**Q7: What happens if the negotiating districts AGREE NOT TO CHANGE THE BOUNDARIES?**

**ANS:** In the case of a citizen-initiated agreement, when districts agree not to support the petition, the matter terminates (i.e., no Regional Committee hearing). Petitioners can appeal to superior court for judicial review under the authority of Chapter 28A.645 relating to appealing a school board decision.

**Q8: What happens if the negotiating districts CANNOT COME TO AN AGREEMENT?**

**ANS:** The districts may request, and the ESD superintendent shall grant, a onetime 30-day extension to reach an agreement. The districts may request that the ESD superintendent appoint a mediator for assistance. The mediator has a maximum of 30 business days to assist the districts in reaching a negotiated agreement.

In the case of a district-initiated petition, either district may file with the ESD superintendent a written request for a hearing by the Regional Committee. In the case of a citizen-initiated agreement, the district in which the citizen petitioners reside must file a written request for a hearing by the Regional Committee, unless a majority of the citizen petitioners request that the district not ask for a hearing by the Regional Committee.

**Q9: How soon does the ESD superintendent have to notify the Regional Committee of the request for a hearing?**

**ANS:** The ESD superintendent must notify the Regional Committee chair within 10 days after receiving the written request from the district. [RCW 28A.315.195(9)]

**Q10: How soon does the Regional Committee have to schedule a hearing?**

**ANS:** The hearing should begin within 60 days of the date of notice to the Chair of the Regional Committee. The Chair is responsible for setting the hearing date. [RCW 28A.315.205(1)] [NOTE: The State Board's interpretation of "must schedule" is that the Regional Committee should begin the hearing within 60 days, unless circumstances preclude, or unless all parties agree to an extension of the 60 days, in which case the hearing should begin within 90 days.]

Transfer of Territory Questions  
continued

**Q11: What criteria or factors must the Regional Committee consider?**

**ANS:** See the answer to Question #5. The difference is that the Regional Committee **must** consider the listed factors rather than simply be guided by them as is the case with the districts and citizens. The decision of the Regional Committee is a considered judgment, determined after due deliberation on the information and evidence provided by the participating parties.

**NOTE:** Regional Committee members are encouraged to have as robust a discussion as possible on the issues particular to the proposed transfer of territory, and verbalize their thoughts and thinking. It is important to the credibility of the deliberation process that the written record show that the committee members were serious in discussing, analyzing and applying the criteria and evidence presented to the committee's decision.

**Q12: How soon after completion of the hearing by the Regional Committee must the written decision to approve or disapprove the proposed transfer of territory be issued?**

**ANS:** 30 days. [RCW 28A.315.205(2)]

**Q13: When are the affected school districts and petitioners notified of the Regional Committee's decision to approve or disapprove the proposed transfer of territory?**

**ANS:** The ESD superintendent must send a copy to the affected school districts and petitioners within 10 days of issuance of the written decision by the Regional Committee. [RCW 28A.315. 205(2)] **[NOTE:** In the case of a citizen-initiated petition, the ESD superintendent should also send a copy of the Regional Committee written decision to the citizen petitioners.]

**Q14: Can a decision of the Regional Committee be appealed?**

**ANS:** Yes. A petitioner or school district may file an appeal with the State Board of Education or the applicable court of jurisdiction with respect to an approval or disapproval decision by a Regional Committee on a proposed transfer of territory. An appeal can be filed with the applicable court of jurisdiction without having first been submitted to the State Board of Education. [RCW 28A.315.205(5)(a)(i)]

**Q15: Is there a time limit for filing an appeal with the State Board of Education?**

**ANS:** Yes, within 30 days of the issuance of the written decision by the Regional Committee. [RCW 28A.315. 205(5)(a)(i)]

**Q16: Is there a timeline governing when the State Board has to schedule the appeal hearing?**

**ANS:** No. There is no statutory or regulatory timeline. The Board's practice is to schedule the hearing at the next regularly scheduled State Board meeting, when possible.

**Q17: On what grounds can the State Board of Education consider an appeal?**

**ANS:** The State Board is limited to determining whether the Regional Committee failed to follow the applicable procedures or acted in an arbitrary and capricious manner, or both. **[NOTE:** The State Board is limited to considering the record of the matter as received from the Educational Service District.] [RCW 28A.315. 205(5)(a)(i)]

Transfer of Territory Questions  
continued

**Q18: What happens if the State Board of Education finds that the Regional Committee failed to follow the applicable procedures or acted in an arbitrary and capricious manner, or both?**

**ANS:** The State Board shall refer the matter back to the Regional Committee, with an explanation of the Board's findings, and the Regional Committee shall rehear the proposal [RCW 28A.315. 205(5)(a)(ii)]. Typically, the Board would make every effort to make the referral within 14 days of its decision.

**Q19: What happens if the State Board finds that the Regional Committee did follow the applicable procedures or did not act in an arbitrary and capricious manner?**

**ANS:** The State Board, in writing, directs the ESD superintendent to implement any changes per the Regional Committee decision. [RCW 28A.315. 205(5)(a)(iii)]

**Q20: Is an election required to consider a transfer of territory that has been approved by negotiated agreement between school districts or approved by a Regional Committee?**

**ANS:** Yes. If the proposed transfer of territory involves 10 percent or more of the public school student population of the entire school district from which the transfer is proposed, all the registered voters of that district shall be allowed to vote on the matter. The ESD superintendent shall call and hold the election. A simple majority determines approval or rejection. The election can be held in conjunction with a regular election or conducted as a special election. No timeframe is established in statute or rule. [RCW 28A.315.195(3)]

**Q21: Can ESDs or school districts receive reimbursement from the state for costs incurred in considering proposed transfers of territory?**

**ANS:** Yes, if funds are appropriated in the state operating budget. The actual appropriation would determine whether or not all reimbursement requests could be honored. [RCW 28A.315.085(2) and RCW 28A.315.195(10)]

**Q22: Given all the possible steps, how long can a transfer of territory via citizen petition, if successful, take to be implemented?**

**ANS:** There is no precise answer. Possible scenarios could include:

- The minimum amount of time might be as few as about 30—45 days to implement a citizen-initiated petition approved by the affected districts.
- The maximum amount of time might be as many as about 135 days to implement a citizen-initiated petition approved by the affected districts.
- The maximum amount of time, WITH a hearing by the Regional Committee and WITHOUT an appeal to the State Board of Education, might be as many as about 7—8 months to implement a citizen-initiated petition approved by the Regional Committee. If the Regional Committee must continue the hearing over an additional date, several months could be added given the challenges of coordinating and scheduling calendars.



Transfer of Territory Questions  
continued

- The maximum amount of time, WITH a hearing by the Regional Committee and WITH an appeal to the State Board of Education, might be as many as about 10—12 months to implement a citizen-initiated petition approved by the Regional Committee (after rehearing as directed by the State Board).
- The maximum amount of time, WITH an appeal to the State Board of Education and WITH an appeal to Superior Court, might be as many as about 15—18 months. It is virtually impossible to predict court calendars.

**Q23:** If a citizen-initiated petition is denied, is there a waiting period before the petition can be refiled?

**ANS:** Yes. It is five years for any petition that would include all or a portion of the territory included in a petition that that has been previously denied.[WAC 180-24-225]

**Q24:** When does the five-year clock start ticking?

**ANS:** (1) In the case of two districts agreeing not to support the petition, the clock starts ticking upon receipt by the ESD superintendent of the written decision. (2) In the case of a Regional Committee decision, the clock starts ticking upon receipt by the ESD superintendent of the written decision.

### Transfer of Territory Timelines Table

Step	Step Detail	Response	Timeline
1	Petition filed with ESD Superintendent.	ESD superintendent notifies the affected districts of the petition.	Immediate notification upon receipt of the petition and after validation of the signatures by the County Auditor.
2	Districts enter into negotiation.		90 days to reach agreement. Either district at any time during the 90 days may notify the ESD superintendent in writing that an agreement is not possible.
3	Districts may request of the ESD superintendent one extension of the negotiating period to attempt to reach an agreement.	ESD superintendent must grant the extension.	30-day limit on the extension.
4	Districts may request of the ESD superintendent the services of a mediator.	ESD superintendent must appoint a mediator.	Mediator has 30 business days to work with the districts.
5	If the petition was initiated by a local board and the negotiations are not successful, either district may request a hearing by the Regional Committee on School District Organization via the ESD superintendent.	ESD superintendent notifies the chair of the Regional Committee in writing.	10 days after receipt of the request by the district.
6	If the petition was citizen-initiated and negotiations are not successful, the district in which the petitioners reside must request a hearing by the Regional Committee on School District Organization, unless majority of petitioners say no.	ESD superintendent notifies the chair of the Regional Committee in writing.	10 days after receipt of the request by the district.
7	If the petition was citizen-initiated and when districts agree <u>not</u> to support it, the matter terminates (i.e., no Regional Committee hearing).		

## Transfer of Territory Timelines

continued

Step	Step Detail	Response	Timeline
8	Regional Committee must schedule a hearing on the petition.		60 days after receipt of notice from the ESD superintendent.
9	Regional Committee conducts the hearing(s) and issues written findings and a decision to approve or disapprove.		30 days after final hearing to issue written findings and decision to approve or disapprove the petition.
10	Citizen petitioner or district petitioner may appeal to the State Board of Education any Regional Committee decision regarding a proposed transfer of territory.		30 days after issuance of Regional Committee written decision to file appeal with State Board of Education.
11	State Board hears the appeal.		No timetable in RCW or WAC.
12	If State Board upholds the Regional Committee decision to approve a transfer, it notifies the ESD superintendent to implement the Regional Committee decision.		Follow timetable set forth in Regional Committee decision.  Under certain conditions, election required by RCW 28A.315.195(3) to approve or reject the transfer.
13	If State Board does not uphold the Regional Committee decision to approve or deny a transfer, it refers the matter back to the Regional Committee, with findings, for rehearing.		No timetable in RCW or WAC.
14	A citizen-initiated petition that is denied cannot be repeticioned until five years have passed.		

## CONSOLIDATION QUESTIONS

**Q1: What starts a consolidation proposal?**

**ANS:** A proposed change in school district organization by consolidation of territory from two or more school districts to form a new school district may be initiated by:

(1)(a) A written petition presented to the educational service district superintendent signed by ten or more registered voters residing:

(i) In each whole district and in each part of a district proposed to be included in any single new district; or

(ii) In the territory of a proposed new district that comprises a part of only one or more districts and approved by the boards of directors of the affected school districts;

(b) A written petition presented to the educational service district superintendent signed by ten percent or more of the registered voters residing in such affected areas or area without the approval of the boards of directors of the affected school districts. [RCW 28A.315.235]

(2) The petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district. No more than one petition for consolidation of the same two school districts or parts thereof shall be considered during a school fiscal year. [RCW 28A.315.235]

(3) The educational service district superintendent may not complete any consolidation of territory under this section unless he or she has first called and held a special election of the voters of the affected districts to afford those voters an opportunity to approve or reject the proposed consolidation. A simple majority shall determine approval or rejection. [RCW 28A.315.235] Pursuant to RCW 28A.315.285(1) the simple majority approval requirement applies to EACH DISTRICT affected by the consolidation proposal. It is NOT a simple majority of the combined votes of affected districts.

(4) If a proposed change in school district organization by consolidation of territory has been approved under this section, the educational service district superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts. The superintendent shall certify his or her action to each county auditor, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action. [RCW 28A.315.235]

**Q2: What information must the consolidation proposal petition include?**

**ANS:** The name and number of each district which is involved in or which would be affected by the proposed consolidation to form a new district and a description of the boundaries of the proposed new district. [RCW 28A.315.235(1)]

**Q3: How often can a consolidation proposal affecting the same districts be considered?**

**ANS:** No more than once during a school fiscal year. [RCW 28A.315.235(2)]

**Q4: What happens after the ESD superintendent receives the consolidation proposal petition?**

**ANS:** The ESD superintendent must call and hold a special election for the voters of the affected school districts to approve or reject the consolidation proposal. A simple majority in each district shall determine approval or rejection. If the voters approve the proposal, the ESD superintendent shall implement the change, including any adjustment of assets and liabilities. The election can be held in conjunction with a regular election or conducted as a special election. No timeframe is established in statute or rule. **[RCW 28A.315.235(3)]** Pursuant to RCW 28A.315.285(1), the simple majority approval requirement applies to EACH DISTRICT affected by the consolidation proposal. It is NOT a simple majority of the combined votes of the affected districts.

DISSOLUTION AND ANNEXATION QUESTION  
[RCW 28A.315.225]

**Q1: Under what circumstances does a dissolution and annexation of one school district to another occur?**

**ANS:** When a school district has an average annual enrollment of fewer than five K-8 students in the preceding school year, or has not made a reasonable effort to maintain during the preceding school year the minimum 180-day school year requirement, the Regional Committee shall dissolve the district and assign the territory to one or more districts.

## APPENDIX A

### CHAPTER 28A.315 RCW ORGANIZATION AND REORGANIZATION OF SCHOOL DISTRICTS

The list below includes all sections in the chapter.  
However, only the **bolded** sections are included in the remaining pages of this appendix.

<b>RCW 28A.315.005</b>	<b>Governance structure.</b>
<b>RCW 28A.315.015</b>	<b>Purpose — Policy.</b>
<b>RCW 28A.315.025</b>	<b>Definitions.</b>
RCW 28A.315.035	Organization of school districts.
<b>RCW 28A.315.045</b>	<b>Reorganization.</b>
RCW 28A.315.055	Conflicting or incorrectly described school district boundaries.
RCW 28A.315.065	District boundary changes — Submission to county auditor.
RCW 28A.315.075	Effect of 1999 c 315 — Existing provisions not affected.
<b>RCW 28A.315.085</b>	<b>Personnel and supplies — Reimbursement.</b>
<b>RCW 28A.315.095</b>	<b>Regional committees — Powers and duties.</b>
RCW 28A.315.105	Regional committees — Created.
RCW 28A.315.115	Regional committees — Membership limitation.
RCW 28A.315.125	Regional committees — Election of members — Qualifications.
RCW 28A.315.135	Regional committees — Vacancies.
RCW 28A.315.145	Regional committees — Terms of members.
RCW 28A.315.155	Regional committees — Members' expenses reimbursed.
<b>RCW 28A.315.165</b>	<b>Regional committees — Organization, meetings, quorum.</b>
<b>RCW 28A.315.175</b>	<b>State board — Powers and duties.</b>
<b>RCW 28A.315.185</b>	<b>Annual training.</b>
<b>RCW 28A.315.195</b>	<b>Transfer of territory by petition — Requirements — Rules — Costs.</b>
<b>RCW 28A.315.205</b>	<b>Transfer of territory by petition — Regional committee responsibilities — Rules — Appeals.</b>
<b>RCW 28A.315.215</b>	<b>Transfer of territory by agreement or order — Approval — Order.</b>
RCW 28A.315.225	Dissolution and annexation of certain districts — Annexation of nondistrict property.
RCW 28A.315.235	Consolidation — Petition.
<b>RCW 28A.315.245</b>	<b>Adjustment of assets and liabilities.</b>
<b>RCW 28A.315.255</b>	<b>Adjustment of indebtedness.</b>
<b>RCW 28A.315.265</b>	<b>Adjustment of bonded indebtedness — Order — Special elections.</b>
<b>RCW 28A.315.275</b>	<b>Notice of elections.</b>
<b>RCW 28A.315.285</b>	<b>Special election — Determination — Order — Certification.</b>
<b>RCW 28A.315.295</b>	<b>Rejection of proposal.</b>
<b>RCW 28A.315.305</b>	<b>School district organizational changes — Corporate existence — Payment of bonded indebtedness — Levy authority.</b>
<b>RCW 28A.315.315</b>	<b>Appeal.</b>
RCW 28A.315.901	Part headings and captions not law — 1999 c 315.

**RCW 28A.315.005 Governance structure.** (1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of Washington.

[1999 c 315 § 1.]

**RCW 28A.315.015 Purpose -- Policy.** (1) It is the purpose of this chapter to:

(a) Incorporate into a single, comprehensive, school district organization law all essential provisions governing:

(i) The formation and establishment of new school districts;

(ii) The alteration of the boundaries of existing districts; and

(iii) The adjustment of the assets and liabilities of school districts when changes are made under this chapter; and

(b) Establish methods and procedures whereby changes in the school district system may be brought about by the people concerned and affected.

(2) It is the state's policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated agreement between the affected school districts. If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(a) A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;

(b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;

(c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;

(d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and

(e) Other criteria or considerations as may be established in rule by the state board of education.

(3) It is neither the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh school districts as provided for in chapter 28A.540 RCW.

[1999 c 315 § 101.]

**RCW 28A.315.025 Definitions.** As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "Regional committee" means the regional committee on school district organization created by this chapter.

(3) "State board" means the state board of education.

(4) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.



(5) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW 28A.310.170 or his or her designee.  
 [1990 c 33 § 293; 1985 c 385 § 1; 1983 c 3 § 33; 1975 1st ex.s. c 275 § 78; 1971 c 48 § 25; 1969 ex.s. c 223 § [28A.57.020](#). Prior: 1955 c 395 § 1; 1947 c 266 § 2; Rem. Supp. 1947 § 4693-21. Formerly RCW [28A.315.020](#), [28A.57.020](#), [28.57.020](#).]

**RCW 28A.315.045 Reorganization.** (1) A new school district may be formed comprising contiguous territory lying in either a single county or in two or more counties. The new district may comprise:

(a) Two or more whole school districts;  
 (b) Parts of two or more school districts; and/or  
 (c) Territory that is not a part of any school district if such territory is contiguous to the district to which it is transferred.

(2) The boundaries of existing school districts may be altered:  
 (a) By the transfer of territory from one district to another district;  
 (b) By the consolidation of one or more school districts with one or more school districts; or  
 (c) By the dissolution and annexation to a district of a part or all of one or more other districts or of territory that is not a part of any school district: PROVIDED, That such territory shall be contiguous to the district to which it is transferred or annexed.

(3) Territory may be transferred or annexed to or consolidated with an existing school district without regard to county boundaries.  
 [1999 c 315 § 201.]

**RCW 28A.315.085 Personnel and supplies -- Reimbursement.** (1) The superintendent of public instruction shall furnish to the state board and to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter and shall reimburse the members thereof for expenses necessarily incurred by them in the performance of their duties, such reimbursement for regional committee members to be in accordance with RCW 28A.315.155, and such reimbursement for state board members to be in accordance with RCW 28A.305.120.

(2) Costs that may be incurred by an educational service district in association with school district negotiations under RCW 28A.315.195 and supporting the regional committee under RCW 28A.315.205 shall be reimbursed by the state from such funds as are appropriated for these purposes.  
 [1999 c 315 § 206.]

**RCW 28A.315.095 Regional committees -- Powers and duties.** The powers and duties of each regional committee are to:

(1) Hear and approve or disapprove proposals for changes in the organization and extent of school districts in the educational service districts when a hearing on a proposal has been requested under RCW 28A.315.195;

(2) Act on notices and proposals from the educational service district under RCW 28A.315.225;

(3) Make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness and excess tax levies as otherwise authorized under this section, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts;

(4) Make an equitable adjustment of the bonded indebtedness outstanding against any of the old and new districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected;

(5) Provide that territory transferred from a school district by a change in the organization and extent of school districts shall either remain subject to, or be relieved of, any one or more excess tax levies that are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory from the school district;

(6) Provide that territory transferred to a school district by a change in the organization and extent of school districts shall either be made subject to, or be relieved of, any one or more excess tax levies that are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory to the school district;

(7) Establish the date by which a committee-approved transfer of territory shall take effect;

(8) Hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in \*RCW 28A.315.290 or 28A.315.320 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter.

Three members of the regional committee or two members of the committee and the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The regional committee shall cause notice to be given, at least ten days prior to the date appointed for any such hearing, in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by radio and television, or either thereof, when in the committee's judgment the public interest will be served thereby; and

(9) Prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

[1999 c 315 § 301.]

**RCW 28A.315.165 Regional committees -- Organization, meetings, quorum.** Each regional committee shall organize by electing from its membership a chair and a vice chair. The educational service district superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the chair or of a majority of the members thereof. A majority of the committee shall constitute a quorum.

[1990 c 33 § 297; 1985 c 385 § 8; 1975 1st ex.s. c 275 § 82; 1969 ex.s. c 176 § 119; 1969 ex.s. c 223 § [28A.57.040](#). Prior: 1947 c 266 § 12; Rem. Supp. 1947 § 4693-31; prior: 1941 c 248 § 4; Rem. Supp. 1941 § 4709-4. Formerly RCW [28A.315.100](#), [28A.57.040](#), [28.57.040](#).]

**28A.315.175 State board -- Powers and duties.** The powers and duties of the state board with respect to this chapter shall be:

(1) To aid regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in their respective educational service districts.

(2) To hear appeals as provided in RCW 28a.315.205.

[1999 c 315 § 302.]

**RCW 28A.315.185 Annual training.** To the extent funds are appropriated, the superintendent of public instruction, in cooperation with the educational service districts and the Washington state school directors' association, shall conduct an annual training meeting for the regional committees, state board members, educational service district superintendents, and local school district superintendents and boards of directors. Training may also be provided upon request.  
[1999 c 315 § 303.]

**RCW 28A.315.195 Transfer of territory by petition -- Requirements -- Rules -- Costs. (1)**  
A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least fifty percent plus one of the active registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) The state board may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) Upon receipt of the petition, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory;

(d) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(e) Any district involved in the negotiations may at any time during the ninety-day period notify the educational service district superintendent in writing that agreement will not be possible.

(6) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, the educational service district superintendent, if requested by the affected districts, shall appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(7) If the affected school districts cannot come to agreement about the proposed transfer of territory, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, either district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(8) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside shall file with the educational service district superintendent a written request for a hearing by the regional committee, unless a majority of the citizen petitioners request otherwise.

(9) Upon receipt of a notice under subsection (7) or (8) of this section, the educational service district superintendent shall notify the chair of the regional committee in writing within ten days.

(10) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose.

[2003 c 413 § 2; 1999 c 315 § 401.]

#### **RCW 28A.315.205 Transfer of territory by petition -- Regional committee responsibilities --**

**Rules -- Appeals.** (1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory at a location in the educational service district within sixty calendar days of being notified under RCW [28A.315.195](#) (7) or (8).

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of RCW [28A.315.015](#) and in making decisions as authorized under RCW [28A.315.095](#)(1), the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with RCW [28A.315.015](#)(2) and rules adopted by the state board under chapter [34.05](#) RCW.

(4) State board rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee to the state board based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee.

(ii) If the state board finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, it shall refer the matter back to the regional committee with an explanation of the board's findings. The regional committee shall rehear the proposal.

(iii) If the state board finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW [34.05.570](#).  
[2003 c 413 § 1; 1999 c 315 § 402.]

**RCW 28A.315.215 Transfer of territory by agreement or order -- Approval -- Order. (1)**

Upon receipt by the educational service district superintendent of a written agreement by two or more school districts to the transfer of territory between the affected districts, the superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts. The superintendent shall certify his or her action to each county auditor, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action.

(2) Upon receipt by the educational service district superintendent of a written order by the regional committee approving the transfer of territory between two or more school districts, the superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order may not be implemented before the period of appeal authorized under RCW 28A.315.205(5)(a)(i) has ended. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts. The superintendent shall certify his or her action to each county auditor, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action.  
[1999 c 315 § 403.]

**RCW 28A.315.245 Adjustment of assets and liabilities.** In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:

- (1) The number of school age children residing in each school district and in each part of a district involved or affected by the proposed change in school district organization;
- (2) The assessed valuation of the property located in each school district and in each part of a district involved or affected by the proposed change in school district organization;
- (3) The purpose for which the bonded indebtedness of any school district involved or affected by the proposed change in school district organization was incurred;
- (4) The history and relationship of the property affected to the students and communities affected by the proposed change in school district organization;
- (5) Additional burdens to the districts affected by the proposed change in school district organization as a result of the proposed organization;

(6) The value, location, and disposition of all improvements located in the school districts involved or affected by the proposed change in school district organization;

(7) The consideration of all other sources of funding; and

(8) Any other factors that in the judgment of the school districts or regional committee are important or essential to the making of an equitable adjustment of assets and liabilities.

[1999 c 315 § 701.]

**RCW 28A.315.255 Adjustment of indebtedness.** (1) The fact of the issuance of bonds by a school district, heretofore or hereafter, does not prevent changes in the organization and extent of school districts, regardless of whether or not such bonds or any part thereof are outstanding at the time of change.

(2) In case of any change:

(a) The bonded indebtedness outstanding against any school district involved in or affected by such change shall be adjusted equitably among the old school districts and the new district or districts, if any, involved or affected; and

(b) The property and other assets and the liabilities other than bonded indebtedness of any school district involved in or affected by any such change shall also be adjusted in the manner and to the effect provided for in this section, except if all the territory of an old school district is included in a single new district or is annexed to a single existing district, in which event the title to the property and other assets and the liabilities other than bonded indebtedness of the old district vests in and becomes the assets and liabilities of the new district or of the existing district, as applicable.

[1999 c 315 § 702.]

**RCW 28A.315.265 Adjustment of bonded indebtedness -- Order -- Special elections.** If adjustments of bonded indebtedness are made between or among school districts in connection with the alteration of the boundaries of the school districts under this chapter, the order of the educational service district superintendent establishing the terms of adjustment of bonded indebtedness shall provide and specify:

(1) In every case where bonded indebtedness is transferred from one school district to another school district:

(a) That such bonded indebtedness is assumed by the school district to which it is transferred;

(b) That thereafter such bonded indebtedness shall be the obligation of the school district to which it is transferred;

(c) That, if the terms of adjustment so provide, any bonded indebtedness thereafter incurred by such transferee school district through the sale of bonds authorized before the date its boundaries were altered shall be the obligation of such school district including the territory added thereto; and

(d) That taxes shall be levied thereafter against the taxable property located within such school district as it is constituted after its boundaries were altered, the taxes to be levied at the times and in the amounts required to pay the principal of and the interest on the bonded indebtedness assumed or incurred, as the same become due and payable.

(2) In computing the debt limitation of any school district from which or to which bonded indebtedness has been transferred, the amount of transferred bonded indebtedness at any time outstanding:

(a) Shall be an offset against and deducted from the total bonded indebtedness, if any, of the school district from which the bonded indebtedness was transferred; and

(b) Shall be deemed to be bonded indebtedness solely of the transferee school district that assumed the indebtedness.

(3) In every case where adjustments of bonded indebtedness do not provide for transfer of bonded indebtedness from one school district to another school district:

(a) That the existing bonded indebtedness of each school district, the boundaries of which are altered and any bonded indebtedness incurred by each such school district through the sale of bonds authorized before the date its boundaries were altered is the obligation of the school district in its reduced or enlarged form, as the case may be; and

(b) That taxes shall be levied thereafter against the taxable property located within each such school district in its reduced or enlarged form, as the case may be, at the times and in the amounts required to pay the principal of and interest on such bonded indebtedness as the same become due and payable.

(4) If a change in school district organization approved by the regional committee concerns a proposal to form a new school district or a proposal for adjustment of bonded indebtedness involving an established school district and one or more former school districts now included therein pursuant to a vote of the people concerned, a special election of the voters residing within the territory of the proposed new district, or of the established district involved in a proposal for adjustment of bonded indebtedness as the case may be, shall be held for the purpose of affording those voters an opportunity to approve or reject such proposals as concern or affect them.

(5) In a case involving both the question of the formation of a new school district and the question of adjustment of bonded indebtedness, the questions may be submitted to the voters either in the form of a single proposition or as separate propositions, whichever seems expedient to the educational service district superintendent. When the regional committee has passed appropriate resolutions for the questions to be submitted and the educational service district superintendent has given notice thereof to the county auditor, the special election shall be called and conducted, and the returns canvassed as in regular school district elections.

[1999 c 315 § 703.]

**RCW 28A.315.275 Notice of elections.** Notice of special elections as provided for in RCW 28A.315.265 shall be given by the county auditor as provided in \*RCW 29.27.080. The notice of election shall state the purpose for which the election has been called and contain a description of the boundaries of the proposed new district and a statement of any terms of adjustment of bonded indebtedness on which to be voted.

[1999 c 315 § 704.]

**RCW 28A.315.285 Special election -- Determination -- Order -- Certification.** (1) If a special election is held to vote on a proposal or alternate proposals to form a new school district, the votes cast by the registered voters in each component district shall be tabulated separately. Any such proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon.

(2) If a special election is held to vote on a proposal for adjustment of bonded indebtedness, the entire vote cast by the registered voters of the proposed new district or of the established district as the case may be shall be tabulated. Any such proposition shall be considered approved if sixty percent or more of all votes cast thereon are in the affirmative.

(3) In the event of approval of a proposition or propositions voted on at a special election, the educational service district superintendent shall:

(a) Make an order establishing such new school district or such terms of adjustment of bonded indebtedness or both, as were approved by the registered voters and shall also order such other terms of adjustment, if there are any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state council; and



(b) Certify his or her action to the county and school district officials specified in RCW 28A.315.215. The educational service district superintendent may designate, with the approval of the superintendent of public instruction, a name and number different from that of any component thereof, but must designate the new district by name and number different from any other district in existence in the county.

(4) The educational service district superintendent shall fix as the effective date of any order or orders he or she is required to make by this chapter, the date specified in the order of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts subject, for taxing purposes, to the redrawing of taxing district boundaries under RCW 84.09.030, by the regional committee.

(5) Upon receipt of certification under this section, the superintendent of each school district that is included in the new district shall deliver to the superintendent of the new school district those books, papers, documents, records, and other materials pertaining to the territory transferred.  
[1999 c 315 § 705.]

**RCW 28A.315.295 Rejection of proposal.** If a proposal for the formation of a new school district and for adjustment of bonded indebtedness, or either, is rejected by the registered voters at a special election, the matter is terminated.  
[1999 c 315 § 706.]

**RCW 28A.315.305 School district organizational changes -- Corporate existence -- Payment of bonded indebtedness -- Levy authority.** (1) Each school district involved in or affected by any change made in the organization and extent of school districts under this chapter retains its corporate existence insofar as is necessary for the purpose, until the bonded indebtedness outstanding against it on and after the effective date of the change has been paid in full. This section may not be construed to prevent, after the effective date of the change, such adjustments of bonded indebtedness as are provided for in this chapter.

(2) The county legislative authority shall provide, by appropriate levies on the taxable property of each school district, for the payment of the bonded indebtedness outstanding against it after any of the changes or adjustments under this chapter have been effected.

(3) In case any such changes or adjustments involve a joint school district, the tax levy for the payment of any bonded indebtedness outstanding against the joint district, after the changes or adjustments are effected, shall be made and the proceeds thereof shall be transmitted, credited, and paid out in conformity with the provisions of law applicable to the payment of the bonded indebtedness of joint school districts.  
[1999 c 315 § 707.]

**RCW 28A.315.315 Appeal.** An appeal may be taken, as provided for in RCW [28A.645.010](#), to the superior court of the county in which a school district or any part thereof is situated on any question of adjustment of property and other assets and of liabilities provided for in this chapter. If the court finds the terms of the adjustment in question not equitable, the court shall make an adjustment that is equitable.

[1990 c 33 § 305; 1983 c 3 § 34; 1969 ex.s. c 223 § [28A.57.120](#). Prior: 1947 c 266 § 40; Rem. Supp. 1947 § 4693-59. Formerly RCW [28A.315.210](#), [28A.57.120](#), [28.57.120](#).]



## **APPENDIX B**

### **TITLE 84 RCW Property Taxes**

#### **CHAPTER 84.09 RCW GENERAL PROVISIONS**

**RCW 84.09.030 Taxing district boundaries -- Establishment.** Except as follows, the boundaries of counties, cities and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of March of the year in which the property tax levy is made.

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district or regional fire protection service authority shall be established on the first day of October if the boundaries of the newly incorporated port district or regional fire protection service authority are coterminous with the boundaries of another taxing district or districts, as they existed on the first day of March of that year;

(3) Boundaries of any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(4) Boundaries for a newly incorporated water-sewer district shall be established on the fifteenth of June of the year in which the proposition under RCW 57.04.050 authorizing a water district excess levy is approved.

The boundaries of a taxing district shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section.

[2004 c 129 § 19; 1996 c 230 § 1613; 1994 c 292 § 4. Prior: 1989 c 378 § 8; 1989 c 217 § 1; prior: 1987 c 358 § 1; 1987 c 82 § 1; 1984 c 203 § 9; 1981 c 26 § 4; 1961 c 15 § [84.09.030](#); prior: 1951 c 116 § 1; 1949 c 65 § 1; 1943 c 182 § 1; 1939 c 136 § 1; Rem. Supp. 1949 § 11106-1. Formerly RCW [84.08.160](#).]

**RCW 84.09.037 School district boundary changes.** Each school district affected by a transfer of territory from one school district to another school district under chapter 28A.315 RCW shall retain its preexisting boundaries for the purpose of the collection of excess tax levies authorized under RCW 84.52.053 before the effective date of the transfer, for such tax collection years and for such excess tax levies as the state board of education may approve and order that the transferred territory shall either be subject to or relieved of such excess levies, as the case may be. For the purpose of all other excess tax levies previously authorized under chapter 84.52 RCW and all excess tax levies authorized under RCW 84.52.053 subsequent to the effective date of a transfer of territory, the boundaries of the affected school districts shall be modified to recognize the transfer of territory subject to RCW 84.09.030.  
[1990 c 33 § 597; 1987 c 100 § 3.]

## **APPENDIX C**

### CHAPTER 180-24 WAC SCHOOL DISTRICT ORGANIZATION

The list below includes all sections in the chapter.  
However, only the **bolded** sections are included in the remaining pages of this appendix.

#### **PART A** **GENERAL**

<b>WAC 180-24-003</b>	<b>Authority</b>
<b>WAC 180-24-007</b>	<b>Purpose and policy of chapter</b>
<b>WAC 180-24-00701</b>	<b>Regional committee decision making criteria</b>
WAC 180-24-009	Constitutional and statutory framework

#### **PART B** **REGIONAL COMMITTEES ON SCHOOL DISTRICT ORGANIZATION**

WAC 180-24-105	Election of regional committee members — Applicable provisions
WAC 180-24-110	Election of regional committee members — Election officer
WAC 180-24-115	Election of regional committee members — Dissolution — Position numbers — Initial elections — Regular elections — Terms of office
WAC 180-24-120	Election of regional committee members — Tentative certification of electors.
WAC 180-24-125	Election of regional committee members — Call for election — Regional committee members
WAC 180-24-130	Election of regional committee members — Candidates — Eligibility — Filing
WAC 180-24-135	Election of regional committee members — Declaration and affidavit of candidacy form
WAC 180-24-140	Election of regional committee members — Biographical data form
WAC 180-24-145	Election of regional committee members — Withdrawal of candidacy
WAC 180-24-150	Election of regional committee members — Ballots — Contents
WAC 180-24-155	Election of regional committee members — Ballots and envelopes — Mailing to voters
WAC 180-24-160	Election of regional committee members — Voting — Marking and return of ballots
WAC 180-24-165	Election of regional committee members — Election board — Appointment and composition
WAC 180-24-170	Election of regional committee members — Receipt of ballots and count of votes.
WAC 180-24-175	Election of regional committee members — Ineligible votes
WAC 180-24-180	Election of regional committee members — Recount of votes cast — Automatic or by request
WAC 180-24-185	Election of regional committee members — Certification of election
WAC 180-24-190	Election of regional committee members — Run-off elections
<b>WAC 180-24-195</b>	<b>Notification to superintendent of public instruction of regional committee meetings</b>
<b>WAC 180-24-197</b>	<b>Regional committee responsibility—Assistance of superintendent of public instruction</b>

PART C  
TRANSFER OF TERRITORY

<b>WAC 180-24-205</b>	<b>Transfer of territory—Procedures and timelines</b>
<b>WAC 180-24-210</b>	<b>Adjustment of assets and liabilities—Considerations</b>
<b>WAC 180-24-215</b>	<b>Superintendent of public instruction staff review of regional committee proposals—When</b>
<b>WAC 180-24-220</b>	<b>Action by state board of education—When</b>
<b>WAC 180-24-225</b>	<b>Frequency of petitions--Limitation</b>
WAC 180-24-335	Election of regional committee members — Certification of electors.
WAC 180-24-400	Remote and necessary small school plants — Purpose and authority
WAC 180-24-410	Remote and necessary small school plants — Criteria
WAC 180-24-415	Remote and necessary small school plants — Review committee

**WAC 180-24-003 Authority.** The general authority for this chapter is RCW 28A.305.130(10), 28A.315.015(2)(e), 28A.315.175, 28A.315.195(4), and 28A.315.205(3).  
 [Statutory Authority: 1999 c 315, partial veto and chapter [28A.315](#) RCW. [99-24-125](#), § 180-24-003, filed 12/1/99, effective 1/1/00.  
 Statutory Authority: 1990 c 33. 90-17-009, § 180-24-003, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW [28A.04.120](#)(9). 87-04-059 (Order 1-87), § 180-24-003, filed 2/4/87.]

**WAC 180-24-007 Purpose and policy of chapter.** (1) The purpose of this chapter is the same as set forth under RCW 28A.315.015(1).

(2) It is the policy of the state that decisions on changes in school district boundaries should be made by the affected districts whenever possible. When this is not possible the decision shall be made by the appropriate regional committee on school district organization consistent with the following policies:

- (a) A balance of local petition requests and the needs of the statewide community at-large in a manner that advances the best interest of public education (see RCW 28A.315.015(2)(a) for full text);
- (b) Contributing to logical service boundaries (see RCW 28A.315.015(2)(b) for full text);
- (c) Enhancing the educational opportunities of pupils (see RCW 28A.315.015(2)(c) for full text); and
- (d) Promoting a wiser use of public funds (see RCW 28A. 315.015(2)(d) for full text).

[Statutory Authority: 1999 c 315, partial veto and chapter [28A.315](#) RCW. [99-24-125](#), § 180-24-007, filed 12/1/99, effective 1/1/00.  
 Statutory Authority: 1990 c 33. 90-17-009, § 180-24-007, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW [28A.04.120](#)(9). 87-04-059 (Order 1-87), § 180-24-007, filed 2/4/87.]

**WAC 180-24-00701 Regional committee decision making criteria.** (1) The regional committee shall give consideration to all of the following criteria when reviewing the proposed transfer of territory:

- (a) Student educational opportunities (see RCW 28A.315.205(4)(a) for full text);
- (b) Safety and welfare of pupils (see RCW 28A.315.205(4)(b) for full text);
- (c) History and relationship of the property affected to the students and communities affected (see RCW 28A.315.205(4)(c) for full text);
- (d) Geographic accessibility (see RCW 28A.315.205(4)(d) for full text);
- (e) Disparities in per pupil valuation, economies of operation and transportation costs (see RCW 28A.315.205(4)(e) for full text); and
- (f) Other criteria or considerations as may be established in rule by the state board of education. (RCW 28A.315.015 (2)(e).)

(2) Under RCW 28A.315.195(2) the boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.

(3) Under RCW 28A.315.205(4), "geographic accessibility" includes, but is not limited to, consideration of the following factors:

- (a) Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel.
- (b) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel.
- (c) The extent and nature of roads, highways, ferries, and traffic patterns.
- (d) Climatic conditions.
- (e) Time required to travel to and from school.

[Statutory Authority: Chapter [28A.315](#) RCW. 03-23-040, § 180-24-00701, filed 11/12/03, effective 12/13/03. Statutory Authority: 1999 c 315, partial veto and chapter [28A.315](#) RCW. [99-24-125](#), § 180-24-00701, filed 12/1/99, effective 1/1/00.]

**WAC 180-24-195 Notification to superintendent of public instruction of regional committee meetings.** The secretary of each regional committee -- i.e., the educational service district superintendent -- shall notify the superintendent of public instruction of all meetings of the regional committee called pursuant to RCW [28A.315.100](#) and all proposals pursuant to RCW [28A.315.110](#).

[Statutory Authority: 1999 c 315, partial veto and chapter [28A.315](#) RCW. [99-24-125](#), § 180-24-195, filed 12/1/99, effective 1/1/00.]

**WAC 180-24-197 Regional committee responsibility -- Assistance of superintendent of public instruction.** The superintendent of public instruction shall assist the regional committees by providing technical assistance, training, and other support the state superintendent deems necessary or as may be requested by the regional committee.

[Statutory Authority: 1999 c 315, partial veto and chapter [28A.315](#) RCW. [99-24-125](#), § 180-24-197, filed 12/1/99, effective 1/1/00.]

**WAC 180-24-205 Transfer of territory--Procedures and timelines.** The procedures and timelines governing proposed transfers of territory shall be governed by the provisions of RCW 28A.315.195 through 28A.315.205.

[Statutory Authority: 1999 c 315, partial veto and chapter [28A.315](#) RCW. [99-24-125](#), § 180-24-205, filed 12/1/99, effective 1/1/00. Statutory Authority: 1990 c 33. 90-17-009, § 180-24-205, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW [28A.04.130](#) and [28A.04.120](#)(9). 89-22-005, § 180-24-205, filed 10/20/89, effective 11/20/89.]

**WAC 180-24-210 Adjustment of assets and liabilities--Considerations.** In determining an equitable adjustment of assets and liabilities, the negotiating school districts, the regional committees, and the state board of education shall consider the factors under RCW [28A.315.245](#).

[Statutory Authority: 1999 c 315, partial veto and chapter [28A.315](#) RCW. [99-24-125](#), § 180-24-210, filed 12/1/99, effective 1/1/00.]

**WAC 180-24-220 Action by state board of education--When.** Pursuant to RCW 28A.315.205(5), the state board of education shall act on a proposed transfer of territory only when there is an appeal to the board of a decision of a regional committee.

[Statutory Authority: Chapter [28A.315](#) RCW. 03-23-040, § 180-24-220, filed 11/12/03, effective 12/13/03. Statutory Authority: 1999 c 315, partial veto and chapter [28A.315](#) RCW. [99-24-125](#), § 180-24-220, filed 12/1/99, effective 1/1/00.]

**WAC 180-24-225 Frequency of petitions -- Limitation.** (1) The authority for this section is RCW 28A.315.195(4) which authorizes the state board of education to establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(2) An educational service district superintendent may not accept a petition to transfer territory if any portion of such territory was included in a previous petition brought before the regional committee, unless five years have expired since the date of final disposition of the previous petition.

[Statutory Authority: Chapter [28A.315](#) RCW. 04-04-091, § 180-24-225, filed 2/3/04, effective 3/5/04.]

## APPENDIX D

### SCHOOL DISTRICT ORGANIZATION CONTEXTUAL MEANING OF TERMS

The definitions in this appendix are neither binding nor an intent to legislate, except when “shall” is used.

The definitions are offered as a guide toward helping establish a common understanding of how the cited terms and phrases might be applied in the context of considering a transfer of territory from one school district to another.

**TERM:** “It is the state’s policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated **agreement** between the affected school districts.”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.015(2)

**MEANING:** 1) When districts agree “to” a proposed transfer of territory, they are agreeing to support it and the matter goes back to the ESD superintendent for implementation.

2) When districts agree to deny the proposed transfer of territory, the petition is terminated. In this case, citizen petitioners can appeal to superior court for judicial review.

**TERM:** “If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees’ best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:  
(a) A **balance** of **local petition requests** and the needs of the **statewide community at large** in a manner that **advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;**”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.015(2)(a)

**MEANING:** The issue of “balance” is necessarily subjective. It should not be narrowly construed nor defined to look at just the neighborhood impact.

“Local petition requests” includes both citizen-initiated and school board-initiated petition requests. Local petition requests need to be “balanced” vis-à-vis: the affected school districts and communities; the educational service districts; and the state.

“Statewide community at large” means all citizens of the state. An approved transfer of territory should not result in one district incurring a significantly greater negative impact in terms of, but not limited to, resources, qualified staff, and community support, in contrast to another district affected by the transfer.

Advancement of the best interest of public education must be considered at three levels: the affected school districts and communities, the educational service districts, and the state. Affected school districts and communities means those districts and communities (city or town, not just the neighborhood ‘community’) directly impacted by the transfer of territory.

Regarding “advances the best interest of public education,” an approved transfer of territory should leave the educational environment in the affected districts in an improved or neutral condition, as well as in the ESD and the state.

**The definitions in this appendix are neither binding nor an intent to legislate, except when “shall” is used.**

**The definitions are offered as a guide toward helping establish a common understanding of how the cited terms and phrases might be applied in the context of considering a transfer of territory from one school district to another.**

**TERM:** “If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(b) Responsibly serving **all of the affected citizens and students** by contributing to **logical service boundaries** and **recognizing a changing economic pattern within the educational service districts of the state;**”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.015(2)(b)

**MEANING:** Given the facts and circumstances of a particular proposal to transfer territory, the following “pools” of citizens will be affected to some degree:

- All citizens living within the territory proposed to be transferred.
- All other citizens residing within the school district from which the proposed territory will be transferred.
- All citizens living within the immediate locale/neighborhood of which the proposed territory will become a part.
- All citizens residing within the school district to which the proposed territory will be transferred.

If the word “attendance” is substituted for “service,” then the phrase “logical service boundary” probably comes into more clear focus. In application, a “logical service (attendance) boundary” is one, at face-value, that is practical, reasonable, and rationale “in the scheme of things.”

“Changing economic pattern” means the ongoing evolution of the aggregate nature of the economy in the ESDs, including taking into account such factors as: growth in the area and region, growth management issues, city and county economic development policies, possible shifts in city and county boundaries via annexation, and planned communities. “Recognizing the changing economic pattern” can mean to consider whether the transfer of territory will responsibly serve all the affected citizens and students by contributing to an improvement/enhancement of the economic pattern.

**TERM:** “If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(c) **Enhancing the educational opportunities of pupils in the territory by reducing existing disparities** among the affected school districts' **ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;**”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.015(2)(c)

**MEANING:** Educational opportunities can be enhanced or impinged for other students living outside the transfer territory. Educational opportunity impacts can include:

- All the students in the territory proposed to be transferred.
- All the students in the district from which the territory will be transferred.
- All the students in the immediate “neighborhood” in the district to which the territory will be transferred.
- All the students in the district to which the territory will be transferred.



**The definitions in this appendix are neither binding nor an intent to legislate, except when “shall” is used.**

**The definitions are offered as a guide toward helping establish a common understanding of how the cited terms and phrases might be applied in the context of considering a transfer of territory from one school district to another.**

Possible disparity status should be considered by the Regional Committee both before and after the transfer of territory decision. The Committee should consider whether a district's ability to pass a levy or bond, including the amount of the levy or bond, will increase or decrease as a result of the transfer of territory. The Committee should consider whether increasing or decreasing a district's ability to pass a levy or bond will enhance educational opportunities in the district. A transfer can result in reducing existing facilities disparities.

A nexus should be established, if possible, between the economic impacts of the proposed transfer of territory and the impact on educational opportunities for all the students affected. Economic impacts can include: The district from which the territory will be transferred, the district to which the territory will be transferred, the ESD in which the transfer will occur, and the state.

**TERM:** “If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:  
(d) **Promoting a wiser use of public funds** through improvement in the school district system of the educational service districts and the state;”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.015(2)(d)

**MEANING:** “Wiser use” does not necessarily mean more or fewer dollars at the educational service district level of the education system resulting from the transfer of territory, or at the state level of the education system resulting from the transfer of territory.

“Wiser use” should consider the programmatic effects of fiscal decisions and the fiscal effects of programmatic decisions, including whether such decisions will lead to improvement in the school district system of the ESDs and the state.

“Wiser use of public funds” should mean that the transfer of territory improves educational opportunities for all students affected by the transfer.

**TERM:** “(1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:  
(a) Signed by at least fifty percent plus one of the **active registered voters** residing in the territory proposed to be transferred;”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.195(1)(a)

**MEANING:** “Active registered voter” shall mean the same as defined by the county auditor.

The definitions in this appendix are neither binding nor an intent to legislate, except when “shall” is used.

The definitions are offered as a guide toward helping establish a common understanding of how the cited terms and phrases might be applied in the context of considering a transfer of territory from one school district to another.

**TERM:** “(4) State board rules under subsection (3) of this section shall provide for giving consideration to all of the following:  
(a) Student educational opportunities as measured by the percentage of students performing at each level of the **statewide mandated assessments** and **data regarding student attendance, graduation, and dropout rates**;

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.205(4)(a)

**MEANING:** Statewide mandated assessments include: Washington Assessment of Student Learning (WASL), Washington Alternate Assessment System (WAAS), and WASL alternates when available. One set of test scores, alone, shall be considered as an insufficient basis to make a judgment about student educational opportunities. Test scores in the districts affected by the proposed transfer shall be looked at in context, including over time and disaggregating the scores by student subgroups. [WAC 180-24-00701(4)]

The data regarding student attendance rates should be looked at in context, including the attendance rates in the districts affected by the proposed transfer of territory.

Use OSPI definition for federal Adequate Yearly Progress (AYP) purposes. **See APPENDIX E**, pages 36-40. The data regarding student graduation rates should be looked at in context, including: The graduation rates in the districts affected by the proposed transfer of territory, the graduation rates of school districts in the ESDs, and the graduation rates of school districts statewide, especially for schools and districts with characteristics similar to the schools and districts affected by the proposed transfer of territory.

Use OSPI definition for federal Adequate Yearly Progress (AYP) purposes. **See APPENDIX E**, **pages 36-40**. The data regarding student dropout rates should be looked at in context, including: The dropout rates in the districts affected by the proposed transfer of territory, the dropout rates of school districts in the ESDs, and the dropout rates of school districts statewide, especially for schools and districts with characteristics similar to the schools and districts affected by the proposed transfer of territory.

**TERM:** “(4) State board rules under subsection (3) of this section shall provide for giving consideration to all of the following:  
(b) The **safety and welfare of pupils**. For the purposes of this subsection, “safety” means freedom or protection from danger, injury, or damage and “welfare” means a positive condition or influence regarding health, character, and well-being;”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.205(4)(b)

**MEANING:** Safety, as defined, may apply in two contexts: 1) Getting to and from school; and 2) The climate and environment in and at school.

Welfare, as defined, may apply in two contexts: 1) Getting to and from school; and 2) The climate and environment in and at school.

The definitions in this appendix are neither binding nor an intent to legislate, except when “shall” is used.

The definitions are offered as a guide toward helping establish a common understanding of how the cited terms and phrases might be applied in the context of considering a transfer of territory from one school district to another.

**TERM:** “(4) State board rules under subsection (3) of this section shall provide for giving consideration to all of the following:  
(c) The **history and relationship** of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.205(4)(c)

**MEANING:** “History and relationship” must necessarily recognize that communities change. Population growth can impact the historical nature and experience of communities and neighborhoods. The impact can occur over a long term and short term. A master planned community is one example of a planning concept that has evolved and which can impact prior existing communal relationships and identities.

**TERM:** “(4) State board rules under subsection (3) of this section shall provide for giving consideration to all of the following:  
(d) Whether or not **geographic accessibility** warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school;”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.205(4)(d)

**MEANING:** Geographic accessibility is one criterion with several components. Each component shall be considered, if applicable to the territory encompassed by the petition, but all applicable criteria shall be rolled up into one judgment on geographic accessibility. [WAC 180-24-00701(5)]

**TERM:** “(4) State board rules under subsection (3) of this section shall provide for giving consideration to all of the following:  
(e) **All funding sources** of the affected districts, **equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.**”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.205(4)(e)

**MEANING:** All funding sources includes: Local levy and bond dollars, public/private gifts and grants to a district educational foundation, state dollars (appropriations, grants and other), and federal dollars (appropriations and grants).

Assessed valuation per pupil affects only levies and bonds. Districts and Regional Committees may consider a separate “per pupil valuation” that combines all other funding sources.

“Reduction” is necessarily subjective and should be evaluated in the context of the particular petition.

The improvement in the economies in the administration and operation of schools must apply to the affected schools in the districts affected by the proposed transfer of territory.

The definitions in this appendix are neither binding nor an intent to legislate, except when “shall” is used.

The definitions are offered as a guide toward helping establish a common understanding of how the cited terms and phrases might be applied in the context of considering a transfer of territory from one school district to another.

Regarding transportation, consideration should be given to the likely impact on transportation costs for the respective districts resulting from the transfer of territory. Also, consideration should be given to the likely impact on transportation costs for the combined districts resulting from the transfer of territory.

**TERM:** “A petitioner or school district may appeal a decision by the regional committee to the state board based on the claim that the regional committee failed to follow the applicable statutory regulatory procedures or **acted in an arbitrary and capricious manner.**”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.205(5)(a)(i)

**MEANING:** A Regional Committee decision is not arbitrary or capricious if the decision was made honestly and upon due consideration of the record presented. A Regional Committee decision is arbitrary and capricious if the State Board of Education cannot find a rational connection between the written record and the decision made or that the Board determines from the record and appeal hearing that the Regional Committee did not conduct a reasonably thorough discussion, or the State Board finds that the decision was manifestly unreasonable and that no reasonable person would take the same view.

**TERM:** “In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:  
(3) The **purpose for which the bonded indebtedness of any school district involved** or affected by the proposed change in school district organization **was incurred;**”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.245(3)

**MEANING:** Bonded indebtedness is typically incurred for the purpose of schools, but can include other purposes such as: Schools, school district administrative center, skills center, bus barn, transportation cooperative facility, athletic facility, joint district/community park and/or recreation center. Districts identify the source of the bonded indebtedness.

**TERM:** “In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:  
(4) The **history and relationship of the property affected** to the students and communities affected by the proposed change in school district organization;”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.245(4)

**MEANING:** See page 55.

The definitions in this appendix are neither binding nor an intent to legislate, except when “shall” is used.

The definitions are offered as a guide toward helping establish a common understanding of how the cited terms and phrases might be applied in the context of considering a transfer of territory from one school district to another.

**TERM:** “In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:  
(5) **Additional burdens** to the districts affected by the proposed change in school district organization as a result of the proposed organization;”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.245(5)

**MEANING:** Existing challenges might be exacerbated or potential challenges arise resulting from the transfer of territory. E.g., staff layoffs, special education program enrollment, career and technical education program enrollment, English Language Learner (ELL) program enrollment.

**TERM:** “In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:  
(6) The **value, location, and disposition of all improvements** located in the school districts involved or affected by the proposed change in school district organization;”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.245(6)

**MEANING:** “All improvements” should be considered to mean capital improvements.

**TERM:** “In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:  
(7) The consideration of **all other sources of funding**; and”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.245(7)

**MEANING:** See page 58.

**TERM:** “In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:  
(8) Any other factors that in the judgment of the school districts or regional committee are important or essential to the making of an **equitable adjustment** of assets and liabilities.”

**SOURCE OF HIGHLIGHTED TEXT:** RCW 28A.315.245(8)

**MEANING:** Determined on a case-by-case basis. The adjustment of assets and liabilities should be fair for the affected districts.

**APPENDIX E**

OSPI BULLETIN NO. 099-03  
HIGH SCHOOL GRADUATION AND DROPOUT GOALS AND DEFINITIONS




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**SUPERINTENDENT OF PUBLIC INSTRUCTION**

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**DR. TERRY BERGESON** OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200 • <http://www.k12.wa.us>

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November 13, 2003

(X) Action Required  
( ) Informational

**BULLETIN NO. 099-03 LEARNING AND TEACHING**

**TO:** Educational Service District Superintendents  
Chief School District Administrators  
High School Principals

**FROM:** Dr. Terry Bergeson, State Superintendent of Public Instruction

**RE:** High School Graduation and Dropout Goals and Definitions

The purpose of this bulletin is to provide guidance to school districts in defining and reporting high school graduation rates. The *No Child Left Behind Act of 2001* (NCLB) requires schools, school districts and the state to report the percentage of students who graduate from high school in the standard number of years with a regular diploma. This rate is used to determine “adequate yearly progress” (AYP) at the high school level. Additionally, RCW 28A.655.030 authorizes the state Academic Achievement and Accountability (A+) Commission to set graduation and dropout goals for local school districts as a component of school accountability.

The A+ Commission requires school district board of directors to establish district and high school “on-time” graduation rate goals by December 15, 2003.<sup>1</sup> Our interpretation of that requirement is that the goal for the Classes of 2004–2013 is either a one percentage point annual increase from the 2003 graduation rate or 73 percent, whichever is lower. The goal for the Class of 2014 is 85 percent for each of the nine groups of students noted in NCLB.

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<sup>1</sup> See WAC 3-20-300 for more information about this requirement.

The Commission will review these goals in 2004 when more data are available. The rule does not prohibit goals from exceeding these minimum targets, and we encourage those who are certain that their graduation rate is already above 73 percent to consider establishing higher goals.

## BACKGROUND

Data on high school graduates, as well as other data on enrollment in middle and high schools, are collected on OSPI Form P-210. The P-210 is collected each fall and requires enrollment information for students in the previous school year, including name, birth date, gender, race/ethnicity, expected graduation year, entry and exit dates, and grade level. The reporting period is the first day of school through the day before the first day of school of the next school year. The 1991–92 school year was the first year that individual student records for grades 9–12 were collected.

In the past, the state has provided varying definitions and used different calculations for reporting high school graduates and dropouts. As a result, the information we collected statewide may not have been useful to you in your local improvement planning. In an effort to create consistent definitions, calculation methods, and reporting requirements, OSPI has adopted the following policies.

## DETERMINING THE GRADUATION RATE

For the purpose of calculating graduation rates, a graduate is defined as a student who receives a regular high school diploma. The graduation rate calculation for determining AYP is based on the percentage of students who graduate with a regular high school diploma. Furthermore, NCLB and subsequent U.S. Department of Education regulations require that the graduation rate be calculated after four years of high school, starting in grade 9. That is, the graduation rate is based on the cohort of students who begin in grade 9 and graduate four years later. Specifically, the graduation rate for purposes of federal accountability is the percentage of students who graduate from high school with a regular high school diploma “on time.” The term “on time” refers to the “expected year of graduation” that is to be assigned at the beginning of grade 9 on the P-210.

The final Title I regulations released by U.S. Department of Education on November 26, 2002, provide states with the flexibility to define graduation rates beyond four years for students receiving special education services. Therefore, schools and districts may assign an expected graduation year beyond four years for students in special education. Changes to the expected graduation year for special education students must be made by the Individualized Education Program (IEP) team on a case-by-case basis no later than when the students becomes age 16. Such a change must be reflected in each student’s IEP. Students whose expected graduation year is reassigned beyond four years will be included in the cohort of students that match the new expected graduation year. The graduation status of these students will then be included in that cohort’s AYP graduation calculation.

The expected year of graduation can be changed under one other condition. If a student transfers into a district after the beginning of grade 9, the student's expected year of graduation should be assigned based on the school district's policy for assigning grade level status, typically either the student's chronological age or credits earned. The year can be different than the student's original graduation year. Students who transfer from one school to another within a district may not have their graduation year changed.

### Regular High School Diploma

For students to receive a regular high school diploma, they must meet the State Board of Education minimum requirements for graduation (WAC 180-51-060) and any other requirements imposed by their local school district.

Because WAC 180-72-065 requires that adult high school diploma requirements match those for regular high school diplomas, students who earn an adult high school diploma will be defined as high school graduates. Conversely, the General Educational Development (GED) certificate is **not** a regular diploma. Students who earn a GED certificate will be considered dropouts and not high school graduates. (See below for the definition of a high school dropout.)

### ***Calculating the Graduation Rate***

The graduation rate is calculated for high schools and districts based on the percentage of students that graduate from high school with a regular diploma in four years (i.e., students sharing the same expected graduation year). This cohort graduation rate is calculated by dividing the number of graduates with a regular high school diploma in four years by the number of graduates with a regular high school diploma in four years plus the number of students who are considered high school dropouts in that cohort plus students who are still enrolled but have not graduated. Students who transfer out of the school/district are not to be included in the calculation. This formula is as follows:

$$\begin{array}{l} \text{number of graduates with regular HS diploma in four years} \\ + \text{number of dropouts grades 9-12} \\ + \text{number of continuing students} \end{array}$$

Technically, the graduation rate is based on the number of graduates with a regular high school diploma in the same cohort. Because the cohort may include special education students who took longer than four years, the rate is more accurately a percentage of graduates assigned the same expected year of graduation who received their regular high school diplomas. For directions on determining the expected graduation year, see the OSPI P-210 Reporting Manual.



## DETERMINING THE DROPOUT RATE

For the purpose of calculating dropout rates, a high school dropout is defined as a student who leaves high school without a regular high school diploma and does not transfer to another school. Students who enroll in GED **preparation courses** are not necessarily designated as dropouts. However, according to WAC 131-48-100, a student must officially withdraw from high school to take the GED **test**. In order for a student in a GED preparation course to avoid designation as a dropout, the GED preparation course must be supported by the school district via a cooperative agreement between the district and the community or technical college offering the program, or if the GED preparation program is offered and run by the district. Regardless, once the student signs up to take the GED test, the student is considered a high school dropout.

Besides GED recipients, two other categories of students, *unknown* and *IEP completers*, will be tracked separately but considered dropouts for AYP purposes. If a student leaves a school district and there is no confirmation of the student leaving the state or enrolling in another school district, the student's status is considered *unknown*.<sup>2</sup> Students who are *IEP completers* are those who complete their IEP transition goals but do not receive a regular high school diploma.

There is no requirement to establish a goal related to dropouts. However, districts and high schools may want to consider setting a goal to reduce the dropout rate because the number of dropouts has a direct impact on the graduation rate. RCW 28A.175 requires the reporting of dropout information. For more information on determining and reporting high school dropouts, see the OSPI P-210 Reporting Manual.

The dropout rate is calculated for high schools and districts based on the total number of students considered dropouts in grades 9–12 in a given year. Specifically, the rate is based on the percentage of students in grades 9–12 who leave high school without a regular high school diploma and do not transfer to another school or have been confirmed to leave the state or country. Students will be counted only once, i.e., a student who drops out of 10<sup>th</sup> grade will not be counted as 11<sup>th</sup> and 12<sup>th</sup> grade dropouts as well. However, the district should continue to report these students until some other designation is necessary, i.e., enrolled (continuing), graduate, age out at 21 or deceased. This reporting is necessary to calculate the graduation rates discussed above. GED test takers are considered dropouts unless they re-enroll in high school, which they may do until they have earned a regular high school diploma or turned 21. Students who transfer out of the school/district are not to be included in the calculation.

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<sup>2</sup> Students reporting an intent to transfer to a school outside the country should be considered a transfer.

## Calculating the Dropout Rate

The formula to determine the annual dropout rate is as follows:

$$\frac{\text{number of dropouts (i.e., confirmed dropouts, GED and IEP completers, unknown) in grades 9–12 in the school year}}{\text{total number of grade 9–12 students enrolled in the school year} - \text{the number of students transferred out} - \text{exiters from any previous year}}$$

For more information about these definitions, rates, and goals, contact ~~Brian Jeffries at (360) 725-6239 or [bjeffries@ospi.wednet.edu](mailto:bjeffries@ospi.wednet.edu)~~. The TTY number is (360) 664-3531. **NOTE:** The new OSPI contact is Scott Poirier at (360) 725-6164 or [spoirier@ospi.wednet.edu](mailto:spoirier@ospi.wednet.edu).

### LEARNING AND TEACHING

Mary Alice Heuschel  
Deputy Superintendent

### SPECIAL PROGRAMS

Bob Harmon  
Assistant Superintendent

TB:pb

**APPENDIX F**  
**Recommended and Required Checklists and Forms**

TRANSFER OF TERRITORY  
**RECOMMENDED CITIZEN PETITION CRITERION CHECKLIST FORM**

The purpose of this recommended checklist form is to guide citizens who may be interested in filing a petition seeking a transfer of territory from their current district of residence to a neighboring (contiguous) school district. Use of this checklist form is not required, but it parallels checklist forms the State Board will recommend for use by school districts and require for use by Regional Committees on School District Organization. Use of this checklist form could/should be helpful in facilitating the districts' negotiation process and possible deliberation by the Regional Committee.

#	CHECKLIST ITEM	YES
1	Petition identifies the name and number of each district affected by the proposed transfer of territory	
2	Petition verifies that the affected districts are contiguous to one another [citizens are encouraged to contact the ESD for assistance.]	
3	Petition includes (legal) description of the territory proposed to be transferred [Verified in writing by the county auditor. Citizens are encouraged to contact the ESD for assistance.]	
4	Petition identifies the number of school-age children, if any, residing in the territory proposed to be transferred [Number of public school children, private school children, homeschool children. Transfer of territory could affect enrollment in the receiving district via private and homeschool students deciding to enroll in the receiving district. Citizens are encouraged to work with their current school district to gather the numbers.]	
5	Petition states the reasons for seeking the proposed transfer of territory. [Citizens are encouraged, not required, to provide data and rationale aligned with the applicable criteria under RCW 28A.315.015(2)(a-e), RCW 28A.315.195(1-2), RCW 28A.315.205(4)(a-e) <ul style="list-style-type: none"> <li>• RCW 28A.315.015(2)(a-e)</li> <li>• RCW 28A.315.195(1-2)</li> <li>• RCW 28A.315.205(4)(a-e)</li> <li>• WAC 180-24-00701(1-3)</li> </ul>	
6	Petition is signed by 50 percent + 1 of the active registered voters residing within the territory proposed to be transferred [Verified in writing by the county auditor; citizens encouraged to contact their county auditor for registered voter information and to include auditor verification when submitting the petition]	

## TRANSFER OF TERRITORY RECOMMENDED CITIZEN PETITION REASONS CHECKLIST FORM

The purpose of this recommended checklist form is to guide citizens who may be interested in filing a petition seeking a transfer of territory from their current district of residence to a neighboring (contiguous) school district. Use of this checklist form is not required, but it parallels checklist forms the State Board will recommend for use by school districts and require for use by Regional Committees on School District Organization. Use of this checklist form could/should be helpful in facilitating the districts' negotiation process and possible deliberation by the Regional Committee.

CRITERION	APPLICABLE TO PROPOSED TRANSFER		NARRATIVE RATIONALE ATTACHED		SUPPORTING DATA ATTACHED	
	YES	NO	YES	NO	YES	NO
<b>RCW 28A.315.015(2)(a)</b> A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;						
<b>RCW 28A.315.015(2)(b)</b> Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;						
<b>RCW 28A.315.015(2)(c)</b> Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;						
<b>RCW 28A.315.015(2)(d)</b> Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state;						
<b>RCW 28A.315.015(2)(e)</b> Other criteria or considerations as may be established in rule by the state board of education.						

TRANSFER OF TERRITORY  
**RECOMMENDED CITIZEN PETITION REASONS CHECKLIST FORM**  
 CONTINUED

CRITERION	APPLICABLE TO PROPOSED TRANSFER		NARRATIVE RATIONALE ATTACHED		SUPPORTING DATA ATTACHED	
	YES	NO	YES	NO	YES	NO
<b>RCW 28A.315.205(4)(a)</b> Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;						
<b>RCW 28A.315.205(4)(a)</b> Student educational opportunities;						
<b>RCW 28A.315.205(4)(b)</b> The safety and welfare of pupils. "Safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;						
<b>RCW 28A.315.205(4)(c)</b> The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;						
<b>RCW 28A.315.205(4)(d)</b> Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school <b>See WAC 180-24-00701(3)(a-e) on next page.</b>						

TRANSFER OF TERRITORY  
**RECOMMENDED CITIZEN PETITION REASONS CHECKLIST FORM**  
 CONTINUED

CRITERION	APPLICABLE TO PROPOSED TRANSFER		NARRATIVE RATIONALE ATTACHED		SUPPORTING DATA ATTACHED	
	YES	NO	YES	NO	YES	NO
<b>RCW 28A.315.205(4)(e)</b> All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.						
<b>WAC 180-24-00701(2)</b> The boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.						
<b>WAC 180-24-00701(3)</b> "geographic accessibility" includes, but is not limited to, consideration of the following factors: (a) Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel. (b) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel. (c) The extent and nature of roads, highways, ferries, and traffic patterns. (d) Climatic conditions. (e) Time required to travel to and from school.						

## **RECOMMENDED GUIDELINES for NEGOTIATIONS BETWEEN SCHOOL DISTRICTS**

The integrity of the district-to-district negotiation process will be determined largely by the confidence that citizen petitioners and other interested citizens have that the negotiations provide a fair and balanced review of the facts presented for and against the proposed transfer of territory.

The purpose of the recommended guidelines for district-to-district negotiations is to promote a negotiation process that is acknowledged as being fair and balanced.

The districts should consider input from citizens prior to the first negotiating session.

Negotiations between districts are encouraged to be conducted in open public session. If a quorum of any district's board of directors is expected to be present at the negotiations, the meeting shall be subject to the state Open Public Meetings Act (Chapter 42.30 RCW) and due notice in advance of the negotiating session shall be provided to the public.

If citizen petitioners and others are allowed to provide input at the negotiation meeting, each party should be granted the same amount of time to provide input, excluding time taken for Question & Answer between the negotiating districts and the parties providing input.

There shall be a minimum of one member from each affected school district board of directors participating in the negotiation. A quorum of directors from any affected district is not required in order for the negotiators to discuss the petition and make a recommendation to the respective full boards of directors. A quorum of each board is necessary to act on the recommendations from the negotiators.

Upon reaching a decision, the negotiating parties shall produce, at a minimum, a written summary of the decision, including rationale for the decision reached, and submit to the respective affected school district boards of directors. The school boards shall act on the recommendations by written resolution adopted at a board meeting.

## TRANSFER OF TERRITORY RECOMMENDED CRITERION CHECKLIST FORM FOR DISTRICTS

The purpose of this recommended checklist form is to guide citizens who may be interested in filing a petition seeking a transfer of territory from their current district of residence to a neighboring (contiguous) school district. Use of this checklist form is not required, but it parallels checklist forms the State Board will recommend for use by school districts and require for use by Regional Committees on School District Organization. Use of this checklist form could/should be helpful in facilitating the districts' negotiation process and possible deliberation by the Regional Committee.

CRITERIA
<b>RCW 28A.315.015(2)(a)</b> A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;
<b>RCW 28A.315.015(2)(b)</b> Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;
<b>RCW 28A.315.015(2)(c)</b> Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;
<b>RCW 28A.315.015(2)(d)</b> Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state;
<b>RCW 28A.315.015(2)(e)</b> Other criteria or considerations as may be established in rule by the state board of education.
<b>RCW 28A.315.205(4)(a)</b> Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;
<b>RCW 28A.315.205(4)(b)</b> The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;



**TRANSFER OF TERRITORY**  
**RECOMMENDED CRITERION CHECKLIST FORM FOR DISTRICTS**  
 CONTINUED

CRITERIA
<b>RCW 28A.315.205(4)(c)</b> The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;
<b>RCW 28A.315.205(4)(d)</b> Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school <b>See WAC 180-24-00701(3)(a-e) [Appendix C]</b>
<b>RCW 28A.315.205(4)(e)</b> All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.
<b>WAC 180-24-00701(1)(a)</b> Student educational opportunities [see RCW 28A.315.205(4)(a) for full text].
<b>WAC 180-24-00701(1)(b)</b> Safety and welfare of pupils [see RCW 28A.315.205(4)(b) for full text].
<b>WAC 180-24-00701(1)(c)</b> History and relationship of the property affected to the students and communities affected [see RCW 28A.315.205(4)(c) for full text].
<b>WAC 180-24-00701(1)(d)</b> Geographic accessibility [see RCW 28A.315.205(4)(d) for full text] [See also WAC 180-24-00701(3)].
<b>WAC 180-24-00701(1)(e)</b> Disparities in per pupil valuation, economies of operation and transportation cost [see RCW 28A.315.205(4)(e) for full text].
<b>WAC 180-24-00701(2)</b> The boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.

TRANSFER OF TERRITORY  
**REQUIRED CRITERION CHECKLIST FORM FOR DISTRICTS**  
**ADJUSTMENT OF ASSETS AND LIABILITIES**

(In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:)

FACTORS/CRITERIA
<b>RCW 28A.315.245(1)</b> The number of school-age children residing in each school district and in each part of a district involved or affected by the proposed change in school district organization
<b>RCW 28A.315.245(2)</b> The assessed valuation of the property located in each school district and in each part of a district involved or affected by the proposed change in school district organization
<b>RCW 28A.315.245(3)</b> The purpose for which the bonded indebtedness of any school district involved or affected by the proposed change in school district organization was incurred
<b>RCW 28A.315.245(4)</b> The history and relationship of the property affected to the students and communities affected by the proposed change in school district organization
<b>RCW 28A.315.245(5)</b> Additional burdens to the districts affected by the proposed change in school district organization as a result of the proposed organization
<b>RCW 28A.315.245(6)</b> The value, location, and disposition of all improvements located in the school districts involved or affected by the proposed change in school district organization
<b>RCW 28A.315.245(7)</b> The consideration of all other sources of funding
<b>RCW 28A.315.245(8)</b> Any other factors that in the judgment of the school districts or regional committee are important or essential to the making of an equitable adjustment of assets and liabilities

**NOTE:** Under RCW 84.09.030, March 1 is the deadline for setting taxing district boundaries for tax collections the ensuing fiscal year. The adjustment of assets and liabilities can be phased in over two or more years by using the annual March 1 deadline.

**TRANSFER OF TERRITORY  
REQUIRED MOTION  
SCHOOL DISTRICT BOARD OF DIRECTORS**

We, the board of directors of the \_\_\_\_\_ School District have given consideration to the factors presented in making our decision to approve or deny the proposed transfer of territory from the \_\_\_\_\_ School District to the \_\_\_\_\_ School District.

Our consideration included reviewing the documents submitted by the citizen petitioners to the respective boards of directors and recommendations from our negotiation representative(s).

**Motion to Approve**

After consideration of the factors pertinent to the transfer of territory petition, the \_\_\_\_\_ School District Board of Directors moves that the transfer of territory from \_\_\_\_\_ School District to \_\_\_\_\_ School District be approved on the basis that the evidence, rationale and weight of the facts lead to approving the transfer of territory.

or

**Motion to Deny**

After consideration of the factors pertinent to the transfer of territory petition, the \_\_\_\_\_ School District Board of Directors moves that the transfer of territory from \_\_\_\_\_ School District to \_\_\_\_\_ School District be denied on the basis that the evidence, rationale and weight of the facts lead to denying the transfer of territory.

\_\_\_\_\_  
School Board Chair

\_\_\_\_\_  
School Board Member

\_\_\_\_\_  
School Board Member

\_\_\_\_\_  
School Board Member

\_\_\_\_\_  
School Board Member

\_\_\_\_\_  
School Board Member

\_\_\_\_\_  
School Board Member

Date \_\_\_\_\_

## **RECOMMENDED GUIDELINES for REGIONAL COMMITTEE HEARINGS AND DELIBERATIONS**

The integrity of the Regional Committee hearing and deliberations process will be determined largely by the confidence that citizen petitioners, other interested citizens, and the affected districts have that the hearings and deliberations provide a fair and balanced review of the facts presented for and against the proposed transfer of territory.

The purpose of the recommended guidelines for Regional Committee hearings and deliberations is to promote a hearing process that is acknowledged as being fair and balanced.

The Regional Committee hearing is subject to the state Open Public Meetings Act and due notice in advance of the hearing shall be provided to the public.

The Regional Committee hearing is a quasi-legislative process under case law [Evergreen School District 114 v. Clark Cy, 27 Wn. App.826 (1980)].

The Regional Committee retains broad discretion on whether to allow testimony, how much testimony to allow, and how much time to allow for testimony. If testimony is allowed, each party should be granted the same amount of time to testify, excluding time taken for Question & Answer between the Regional Committee and the testifiers.

The Regional Committee retains broad discretion on setting timelines for the submittal of documents in order to allow adequate time for the Regional Committee members to review the material prior to the hearing.

Evidence should guide the Regional Committee on how to “weight” the criterion in order to reach a decision.

**TRANSFER OF TERRITORY**  
**REQUIRED REGIONAL COMMITTEE CRITERION CHECKLIST FORM**

<b>CRITERIA</b>
<b>RCW 28A.315.015(2)(a)</b> A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;
<b>RCW 28A.315.015(2)(b)</b> Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;
<b>RCW 28A.315.015(2)(c)</b> Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;
<b>RCW 28A.315.015(2)(d)</b> Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state;
<b>RCW 28A.315.015(2)(e)</b> Other criteria or considerations as may be established in rule by the state board of education.
<b>RCW 28A.315.205(4)(a)</b> Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;
<b>RCW 28A.315.205(4)(b)</b> The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

TRANSFER OF TERRITORY  
**REQUIRED REGIONAL COMMITTEE CRITERION CHECKLIST FORM**  
 CONTINUED

CRITERIA
<b>RCW 28A.315.205(4)(c)</b> The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;
<b>RCW 28A.315.205(4)(d)</b> Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school <b>See WAC 180-24-00701(3)(a-e) [Appendix C]</b>
<b>RCW 28A.315.205(4)(e)</b> All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.
<b>WAC 180-24-00701(1)(a)</b> Student educational opportunities [see RCW 28A.315.205(4)(a) for full text].
<b>WAC 180-24-00701(1)(b)</b> Safety and welfare of pupils [see RCW 28A.315.205(4)(b) for full text].
<b>WAC 180-24-00701(1)(c)</b> History and relationship of the property affected to the students and communities affected [see RCW 28A.315.205(4)(c) for full text].
<b>WAC 180-24-00701(1)(d)</b> Geographic accessibility [see RCW 28A.315.205(4)(d) for full text] [See also WAC 180-24-00701(3)].
<b>WAC 180-24-00701(1)(e)</b> Disparities in per pupil valuation, economies of operation and transportation cost [see RCW 28A.315.205(4)(e) for full text].
<b>WAC 180-24-00701(2)</b> The boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.

TRANSFER OF TERRITORY  
**REQUIRED REGIONAL COMMITTEE CRITERION CHECKLIST FORM**  
ADJUSTMENT OF ASSETS AND LIABILITIES

(In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:)

<b>FACTORS/CRITERIA</b>	
<b>RCW 28A.315.245(1)</b>	The number of school age children residing in each school district and in each part of a district involved or affected by the proposed change in school district organization
<b>RCW 28A.315.245(2)</b>	The assessed valuation of the property located in each school district and in each part of a district involved or affected by the proposed change in school district organization
<b>RCW 28A.315.245(3)</b>	The purpose for which the bonded indebtedness of any school district involved or affected by the proposed change in school district organization was incurred
<b>RCW 28A.315.245(4)</b>	The history and relationship of the property affected to the students and communities affected by the proposed change in school district organization
<b>RCW 28A.315.245(5)</b>	Additional burdens to the districts affected by the proposed change in school district organization as a result of the proposed organization
<b>RCW 28A.315.245(6)</b>	The value, location, and disposition of all improvements located in the school districts involved or affected by the proposed change in school district organization
<b>RCW 28A.315.245(7)</b>	The consideration of all other sources of funding
<b>RCW 28A.315.245(8)</b>	Any other factors that in the judgment of the school districts or regional committee are important or essential to the making of an equitable adjustment of assets and liabilities

**NOTE:** Under RCW 84.09.030, March 1 is the deadline for setting taxing district boundaries for tax collections the ensuing fiscal year. The adjustment of assets and liabilities can be phased in over two or more years by using the annual March 1 deadline.

**TRANSFER OF TERRITORY  
REQUIRED MOTION  
REGIONAL COMMITTEE**

We, the board of directors of the \_\_\_\_\_ Regional Committee on School District Organization have given consideration to the factors presented in making our decision to approve or deny the proposed transfer of territory from the \_\_\_\_\_ School District to the \_\_\_\_\_ School District.

We considered all the documentation, testimony and dialogue, presented at the hearing, worked from the required checklist of criterion, and reviewed the applicability of each criterion in relationship to the petition.

**Motion to Approve**

After consideration of the factors pertinent to the transfer of territory petition, the \_\_\_\_\_ Regional Committee on School District Organization moves that the transfer of territory from \_\_\_\_\_ School District to \_\_\_\_\_ School District be approved on the basis that the evidence, rationale and weight of the facts lead to approving the transfer of territory.

or

**Motion to Deny**

After consideration of the factors pertinent to the transfer of territory petition, the \_\_\_\_\_ Regional Committee on School District Organization moves that the transfer of territory from \_\_\_\_\_ School District to \_\_\_\_\_ School District be denied on the basis that the evidence, rationale and weight of the facts lead to denying the transfer of territory.

\_\_\_\_\_  
Regional Committee Chair

\_\_\_\_\_  
Regional Committee Member

\_\_\_\_\_  
Regional Committee Member

\_\_\_\_\_  
Regional Committee Member

\_\_\_\_\_  
Regional Committee Member

Date \_\_\_\_\_

\_\_\_\_\_  
Regional Committee Member

\_\_\_\_\_  
Regional Committee Member

\_\_\_\_\_  
Regional Committee Member

\_\_\_\_\_  
Regional Committee Member



TRANSFER OF ASSETS and LIABILITIES  
**REQUIRED MOTION**  
REGIONAL COMMITTEE

We, the board of directors of the \_\_\_\_\_ Regional Committee on School District Organization have given consideration to the factors presented in making our decision to approve an adjustment of assets and liabilities associated with our decision to approve a transfer of territory from the \_\_\_\_\_ School District to the \_\_\_\_\_ School District.

We considered all the documentation and calculations, presented at the hearing, presented by the auditor’s office, and reviewed the information therein contained.

**Motion to Approve**

After consideration of the transfer of assets and liabilities, the \_\_\_\_\_ Regional Committee on School District Organization moves that the transfer of assets and liabilities from the \_\_\_\_\_ School District to the \_\_\_\_\_ School District be approved on the basis that the evidence and calculations received from the county auditor’s office for \_\_\_\_\_ County. The timeline for transfer of the assets and liabilities is as follows:

\_\_\_\_\_  
Regional Committee Chair

\_\_\_\_\_  
Regional Committee Member

\_\_\_\_\_  
Regional Committee Member

\_\_\_\_\_  
Regional Committee Member

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Regional Committee Member

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Regional Committee Member

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Regional Committee Member

\_\_\_\_\_  
Regional Committee Member

\_\_\_\_\_  
Regional Committee Member

Date \_\_\_\_\_

## APPENDIX G

### ESD CONTACTS

ESD	SUPERINTENDENT	PHONE and EMAIL
ESD 101 Spokane	Dr. Terry Munther	509-456-2715 <a href="mailto:tmunther@esd101.net">tmunther@esd101.net</a>
ESD 105 Yakima	Dr. Jane Gutting	509-575-2885 <a href="mailto:janeg@esd105.wednet.edu">janeg@esd105.wednet.edu</a>
ESD 112 Vancouver	Dr. Twyla Barnes	360-750-7500, ext. 210 <a href="mailto:twyla.barnes@esd112.org">twyla.barnes@esd112.org</a>
ESD 113 Olympia	Dr. Bill Keim	360-586-2935 <a href="mailto:bkeim@esd113.k12.wa.us">bkeim@esd113.k12.wa.us</a>
Olympic ESD 114 Bremerton	Dr. Walt Bigby	360-478-6880 <a href="mailto:bigbyw@oesd.wednet.edu">bigbyw@oesd.wednet.edu</a>
Puget Sound ESD 121 Burien	Monte Bridges	206-439-3636, ext. 6900 <a href="mailto:mbridges@psed.org">mbridges@psed.org</a>
ESD 123 Pasco	Bruce Hawkins	509-547-8441 <a href="mailto:bhawkins@esd123.org">bhawkins@esd123.org</a>
North Central ESD 171 Wenatchee	Dr. Rich McBride	509-665-2628 <a href="mailto:richm@ncesd.org">richm@ncesd.org</a>
Northwest ESD 189 Anacortes	Dr. Jerry Jenkins	360-299-4003 <a href="mailto:jjenkins@esd189.org">jjenkins@esd189.org</a>

### OSPI Regional Facility Coordinators

NAME	REGION	PHONE and EMAIL
Carter Bagg	Northwest Washington (King County and north)	425-503-5424 <a href="mailto:cbagg@ospi.wednet.edu">cbagg@ospi.wednet.edu</a>
Gordon Beck	Southwest Washington Pierce County and south, and peninsula)	360-586-2699 <a href="mailto:gbeck@ospi.wednet.edu">gbeck@ospi.wednet.edu</a>
Gary Miller	Eastern Washington (Cascades to Idaho, Canada to Oregon)	509-456-2866 <a href="mailto:gmillar@ospi.wednet.edu">gmiller@ospi.wednet.edu</a>